IN HE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

No: 7:13-CR-00035-BR

UNITED STATES OF AMERICA)	
v.)	<u>ORDER</u>
)	
KEVIN WADE,)	
)	
Defendant.)	

This matter is before the court on the motion of Defendant to obtain without payment of fees a copy of the indictment, docket sheet, plea agreement, sentencing transcript, and discovery documents from this case. [DE-63]. Defendant indicates he requires the documents to prepare an informed defense of his post-conviction petition for relief and that his indigent status prevents him from paying the associated costs. *Id*.

Defendant filed a motion to vacate, pursuant to 28 U.S.C. § 2255, on June 22, 2016, raising a claim pursuant to *Johnson v. United States*, — U.S. —, 135 S. Ct. 2551 (2015) and a claim that his plea was not knowing and voluntary. [DE-54]. This matter has been placed in abeyance pending the Fourth Circuit decisions in *United States v. Walker*, No. 15-4301 (4th Cir. 2016), and *United States v. Simms*, No. 15-4640 (4th Cir. 2016). [DE-62]. Thus, there is nothing for Defendant to respond to at this time. Furthermore, the Federal Public Defender has entered an appearance for the limited purpose of providing representation related to the *Johnson* claim. [DE-60]. Notwithstanding, the clerk shall send Defendant a copy of the docket sheet so that he is fully apprised of the status of his petition. Accordingly, Defendant's motion is allowed in part and denied

in part.

SO ORDERED, this // day of November 2016.

Robert B. Jones, Jr.

United States Magistrate Judge